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Admitted in New York**MEMO ENDORSED**

April 29, 2014

Hon. Colleen McMahon, USDJ
United States District Court
Southern District of New York
500 Pearl Street, Room 1640
New York, New York 10007
Via PACER and fax (212) 805-6326- 2 pages

RE: **Sadasivan et al v. Travelers et al**
Index #: 14 CV 9429

Dear Hon. McMahon:

I am just writing to give the Court an update as to what has been transpiring in the above-referenced matter.

Since the Court's Order, a nonparty deposition was held on April 9, 2015 of Sasidharan Gopalan. Mr. Gopalan was the realtor that had been previously assisting the Plaintiff Bajore Sadasivan with the running of the subject real property and had coordinated the oil delivery at the subject premises after the closing was held on December 13, 2013, but before the date of loss on January 6, 2014.

Mr. Gopalan would testify that he had retained a gentleman by the name Max to place 300 gallons of oil in the oil tank sometime in December 2014, but after the closing was held on the subject real property on December 13, 2013. He paid \$800.00 in cash on behalf of the Plaintiff and did not receive a receipt for the oil. The only information he had about Max was his first name and phone number.

Mr. Gopalan would also testify that he called the plumber, Angel Binet, to do the repair work after the pipes froze and there was flooding. Mr. Gopalan testified that Mr. Binet told him that the pipes froze due to a defect with the boiler and not because there was no oil in the oil tank.

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DATE FILED: 4/30/15

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all EBTs must be
corrected by
May 29. No
st. version
CW

4/30/2014
I don't care what
"wired" testify.
The defendant is free to
move for summary judgment at
any time. I cannot be
troubled your EBT -
if you find
"MAX".
Mr. Gopalan
cannot
testify
about
what
Angel
Binet
told
him.
him.
must be
corrected by
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st. version
CW

Since the deposition of Mr. Gopalan, I requested that a collection attorney see if he could locate Max. The collection attorney was able to locate Max through his first name and phone number. As such, a nonparty subpoena was sent out for service today. The nonparty deposition is scheduled for Monday, May 11, 2015 at 2:00 PM at my office.

Very truly yours,

Robert F. Zerilli

cc: Robert Wolf, Esq. via email